

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS J. HERINK,

Defendant.

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8:10CR169

ORDER

This matter is before the court on the defendant's Motion to Extend Deadline to File Pretrial Motions [26]. Upon review of the file, the court finds that an extension until December 17, 2010 should be granted.

**IT IS ORDERED** that the Motion to Extend Deadline to File Pretrial Motions [26] is granted, in part, as follows:

1. The deadline for filing pretrial motions is extended to **December 17, 2010**.
2. Defendant is ordered to file a waiver of speedy trial as soon as practicable.

3. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 3, 2010 and December 17, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

**DATED this 29<sup>th</sup> day of October, 2010.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**